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Dark Properties, Inc.
6110 Sturgeon Creek Parkway
Midland, Michigan 48640

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October 17, 2011

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PUBLIC RECORD

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

FILED
OCT 18 2011
SURFACE
TRANSPORTATION BOARD

Re: Remaining Portion of Monroe Street Rail Corridor Acquisition and Rail-Banking
STB Docket No. AB-308 (Sub-No. 4X), *Central Michigan Railway Company –
Abandonment Exemption – Line In Kent County, MI*

Dear Ms. Brown:

This letter is to request that Dark Properties, Inc., a Michigan Corporation (**Developer**), be substituted for Michigan Department of Natural Resources ("DNR") with respect to a portion of the rail line that is the subject of this proceeding. By letter dated October 3, 2011, DNR notified the Board that it had successfully completed negotiations on a trail use agreement in Kent County, Michigan, pursuant to the Notice of Interim Trail Use, the National Trails System Act, 16 U.S.C. §1247(d), and applicable regulations at 49 CFR §1152.29 on a portion of the trackage that was described in the original decision dated April 30, 2009. The completed trails use agreement did not include that portion of the trackage approximately 3,327 feet in length that is south of the point of intersection of the west line of Monroe Street with the center line of the existing rail corridor and continuing to the end of the track at a point immediately north of Michigan Street/Bridge Street (such portion shown as Segment D on the attached map).

The **Developer** will act in the NITU process as a "trail sponsor" for the remaining portion (Segment D on the attached map). The **Developer** is prepared to negotiate a trail use agreement with the Central Michigan Railway Company and move towards acquisition of the describe property. In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Developer is willing to assume full responsibility for management of, for legal liability arising out of the transfer or use of the right-of-way (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of all taxes that may be levied or assessed against the right-of-way owned by Central Michigan Railway Company.

The **Developer** hereby respectfully requests issuance of a revised NITU recognizing it as the trail sponsor for the remaining portion and for a 180-day extension of the railbanking period provided by your decision of May 16, 2011. Dark Properties, Inc. and the Central Michigan Railway Company will conduct negotiations towards an agreement, and expect to complete an agreement within 180 days. Payment of the \$450.00 filing fee pursuant to 49 C.F.R. 1002.2(f)(27)(ii) is being made via a check from Baker and Miller, PLLC.

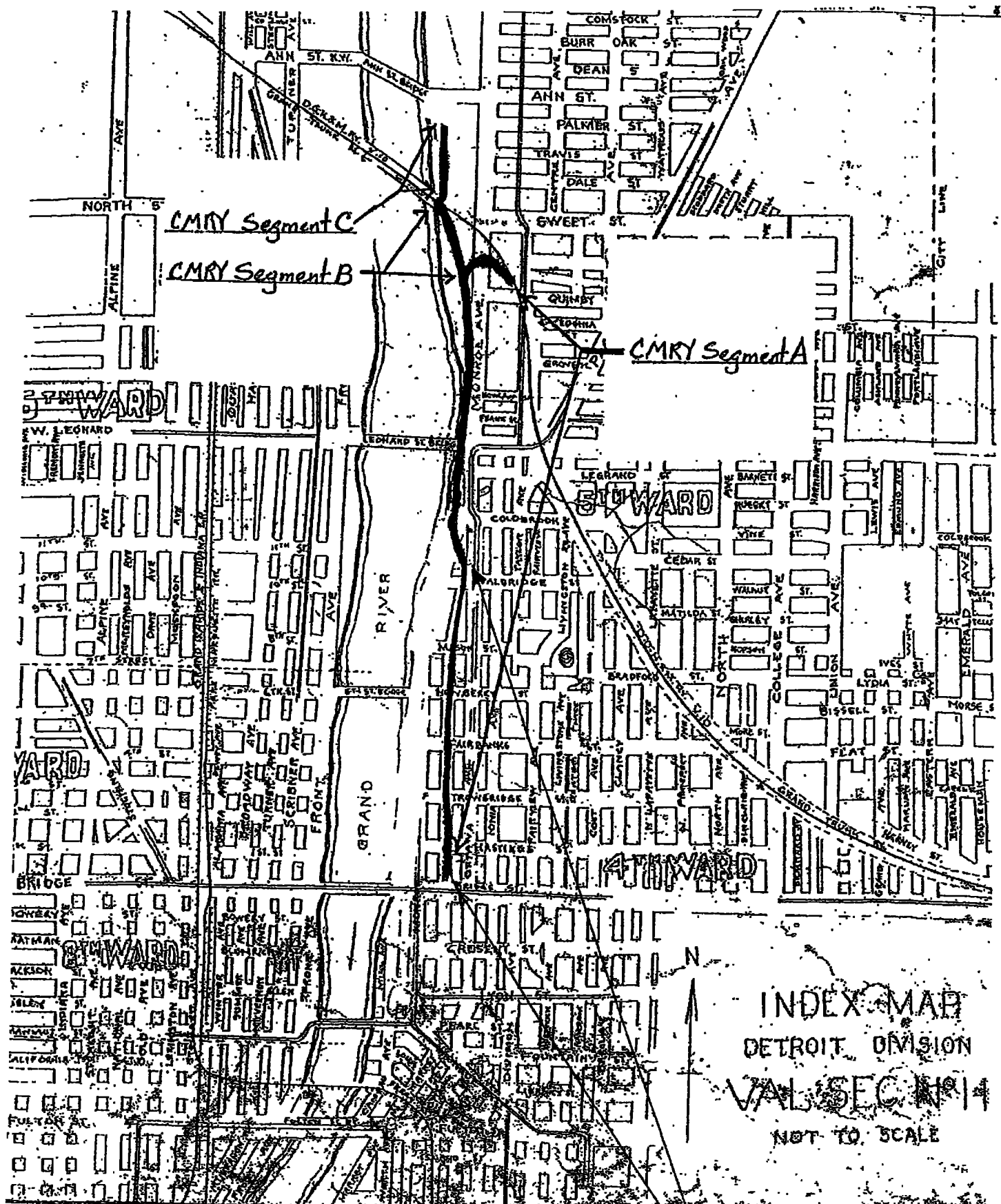
Should you require further information, please contact Mr. William F. Bartlett, Corporate Manager – Properties at 989-684-5088 ext. 261.

Sincerely;

A handwritten signature in black ink, appearing to read "Robert K. Sullivan", with a stylized flourish at the end.

Robert K. Sullivan
Registered Agent

Attachment



Central Michigan Railway Company

1424 Straits Drive
Bay City, MI 48706-8705



(989) 684-5088
FAX (989) 684-5260

October 18, 2011

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings

Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Re: STB Docket No. AB-308 (Sub-No. 4X), Central Michigan Railway Company –
Abandonment Exemption – Line in Kent County, MI

Dear Ms. Brown:

The Central Michigan Railway Company ("CMRY"), the party filing the above-captioned abandonment notice of exemption, has received a request from Dark Properties, Inc. for the Board's Continuance of a trail use condition covering a portion of the line that is subject to the above abandonment proceeding, such portion starting at the intersection of the segment with the north right of way line of Monroe Street and continuing south approximately 3.327 feet to the end of the track at a point immediately north of Michigan Street/Bridge Street in Grand Rapids, Kent County, Michigan. The section of track requested for issuance of a trail use condition totals 3.327 feet of the 1.75 miles that is the subject of CMRY's Notice of Exemption.

Board precedent states that the agency will not impose such a condition without the concurrence of the party seeking abandonment authorization. Accordingly, the purpose of this letter is to advise, in accordance with 49 C.F.R. 1152.29(b)(2) and Board precedent, that CMRY is willing to negotiate interim trail use/rail banking with the State of Michigan Department of Natural Resources.

CMRY also consents to the issuance of a revised NITU covering this portion of the line and agrees to a 180 day extension of the NITU negotiating period. Although the NITU negotiating period expired on October 17, 2011, CMRY has not yet consummated the abandonment of the segment that is the subject of Dark Properties' request and CMRY considers the line still subject to the jurisdiction of the STB.

If there are any questions concerning this, please contact me.

Sincerely,



William F. Bartlett
Corporate Properties Manager